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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,259	03/29/2004	James Harrison Kreger	NORT 64524	2741

7590 10/13/2005
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EXAMINER

PERKEY, WILLIAM B

ART UNIT PAPER NUMBER

2851

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

47

Office Action Summary	Application No. 10/812,259	Applicant(s) KREGER ET AL.	
	Examiner William B. Perkey	Art Unit 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/29/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 6-10 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maruyama (U.S. Patent No. 5,461,513).

Figure 10 of Maruyama shows an apparatus 30 for providing pan and tilt to a stationary imaging device 10; a first prism doublet 50 with motor 80 and second prism doublet 50 with motor 81. The prism doublets are rotated by the motors 80 and 81. Thus, Maruyama shows the claimed invention, except for the prism doublets being achromatic. It is self-evident to the ordinary workman in the art that the prisms should be achromatic, since the invention is directed towards a photography application. The apparatus of Fig. 10 performs the steps of the method claims.

3. Claims 3-5 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maruyama as applied to claims 2 and 10 above, and further in view of Mooney et al. (U.S. Patent No. 6,935,757 B1) and/or Knapp (U.S. Patent No. 6,747,738 B2).

Fig. 10 of Maruyama meets the claimed invention as explained above, except for the first prism comprising zinc-sulfide and the second prism comprising sapphire or germanium and the first angle being substantially 88.632° and the second angle being substantially 100.624° .

Mooney et al shows that prism pairs are typically made of zinc-sulfide and sapphire. Knapp

Art Unit: 2851

teaches prisms can be made of different materials, including germanium. It is self-evident that the angle of the prism surface as well as its index of refraction affects the position and angle of the output beam of light. It would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to make the prism doublets 50 in Fig. 10 of Maruyama of conventional materials, such as zinc-sulfide, sapphire and germanium in order to obtain a desired configuration of the prisms. It would also have been obvious to make the first angle being substantially 88.632° and the second angle being substantially 100.624° in order to obtain a desired amount of shifting of the image. It is not evident that these materials and/or angles produce an unexpected result.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the at least one motor of claim 1; the zinc-sulfide prism of claims 3, 4, 11 and 12; the sapphire prism of claims 3 and 11; the germanium prism of claims 4 and 12; and the angles 88.632° and 100.624° of claims 5 and 13 must be shown or the feature(s) canceled from the claim(s). See Mooney et al. for an example of properly illustrating prisms of zinc-sulfide and sapphire and having particular angles. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure

Art Unit: 2851

must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Telephone Numbers

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William B. Perkey, whose telephone number is (571) 272-2126. The examiner can normally be reached on Monday-Thursday 7:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 William B. Perkey

Application/Control Number: 10/812,259

Page 5

Art Unit: 2851

Primary Examiner
Art Unit 2851

WBP:wbp